

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

EARL DAVIS SR,

Plaintiff,

v.

E. CLOAK, et al.,

Defendants.

Case No. 1:22-cv-1632 JLT HBK (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFFS' MOTIONS FOR INJUNCTIVE
RELIEF**

(Docs. 36, 39, 48, and 53)

Earl Davis Sr. is a state prisoner proceeding *pro se* and *in forma pauperis* in this action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed three motions seeking injunctive relief: a motion for a restraining order on August 7, 2023 (Doc. 36); a motion for preliminary injunction on August 28, 2023 (Doc. 39); and second motion for preliminary injunction September 28, 2023 (Doc. 48).

On October 31, 2023, the Magistrate Judge issued Findings and Recommendations, finding Plaintiff failed to show he was entitled to the requested relief and recommending the motions be denied. (Doc. 53 at 8-11.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were to be filed within fourteen days. (*Id.* at 11.) The Court also informed him that the failure to file timely objections may result in a waiver of his rights on appeal. (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file any objections and the time to do so has expired.

1 According to 28 U.S.C. § 636(b)(1)(C), the Court performed a *de novo* review of this
2 case. Having carefully reviewed the entire file, the Court concludes the Findings and
3 Recommendations to be supported by the record and by proper analysis. Thus, the Court

4 **ORDERS:**

- 5 1. The Findings and Recommendations filed on October 31, 2023 (Doc. 53) are
6 **ADOPTED** in full.
- 7 2. Plaintiff's motion for a temporary restraining order (Doc. 36) is **DENIED**.
- 8 3. Plaintiff's motion for a preliminary injunction (Doc. 39) is **DENIED**.
- 9 4. Plaintiff's motion for a preliminary injunction (Doc. 48) is **DENIED**.

10
11 IT IS SO ORDERED.

12 Dated: **December 8, 2023**


UNITED STATES DISTRICT JUDGE